



IPW

520.43551X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: WAKUDA et al
Serial No.: 10/786,012
Filed: February 26, 2004
For: Superconductivity Magnetic Apparatus
Art Unit: 2832
Examiner: L. Donovan

RESPONSE

Mail Stop: Response (No Fee)
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 2, 2005

Sir:

The following remarks are respectfully submitted in connection with the above-identified application, in response to the Office Action dated March 30, 2005.

The requirement to elect one of the alleged following patentably distinct Species of the claimed invention identified by the Examiner as Embodiment 1 - Figures 1 and 2 and the Embodiment 2 - Figure 3, is traversed, in that applicants submit that generic claims are present in this application and should be considered allowable.

Although the Examiner indicates that none of the claims are generic, applicants submit that independent claims 1, 7, 11 and 18 are generic or sub-generic with respect to the Species represented by Embodiments 1 and 2, as identified by the Examiner. Since these claims have not been rejected, applicants submit that the independent claims and therewith the dependent claims should be considered in

condition for allowance, and as noted by the Examiner, upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species.

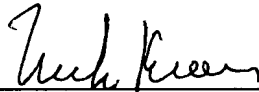
In order to provide a complete response to the election requirement, applicants provisionally elect, with traverse, the Species of Embodiment 1 - Figures 1 and 2, and submit that claims 1 - 11 and 14 - 19 are readable on the elected species, noting that such claims include the generic or sub-generic claims identified above.

In view of the above remarks, applicants request withdrawal of the election requirement and favorable action with respect to all claims present in this application.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 520.43551X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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